



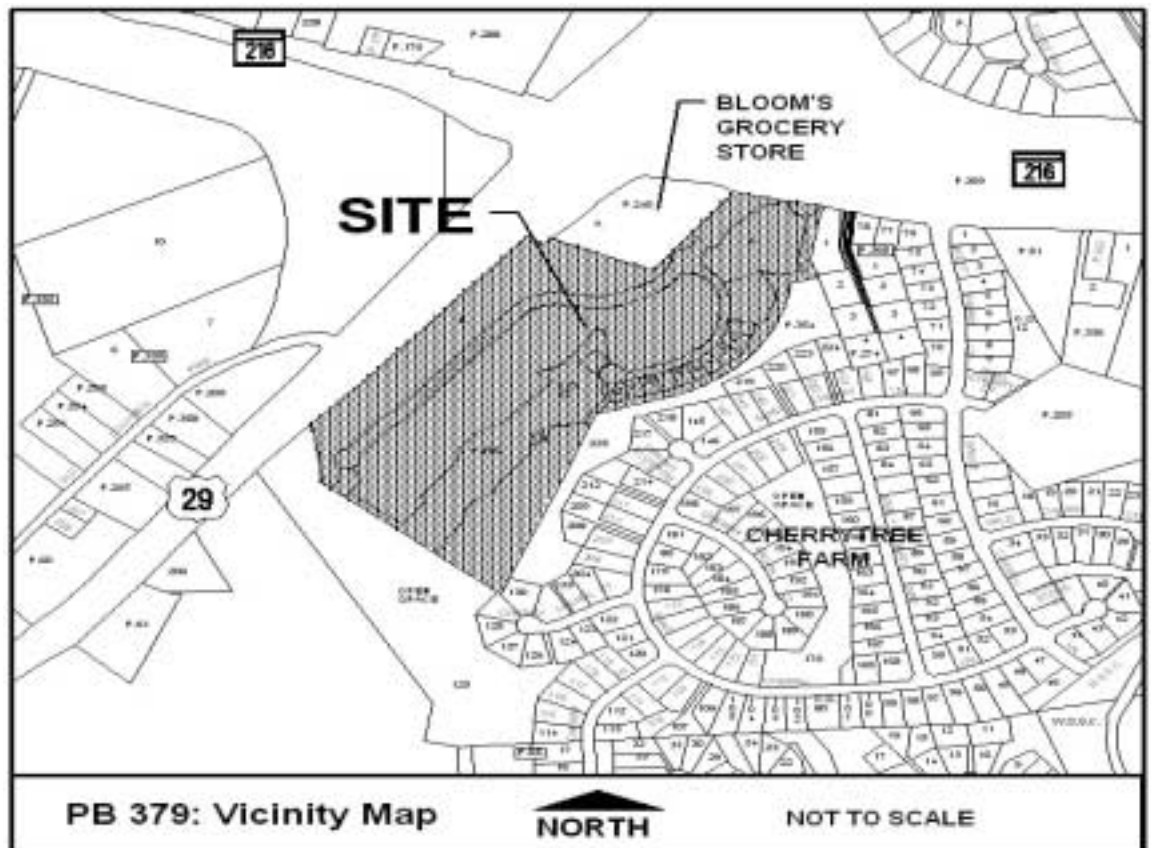
TECHNICAL STAFF REPORT CHERRYTREE PARK

Planning Board Hearing of April 12, 2007 at 7:00 p.m.

Case No./Petitioner: PB Case No. 379, Ice Crystal, LLC

Project Name: Cherrytree Park, SP-06-17

Request: For Planning Board approval of an amended Comprehensive Sketch Plan (CSP), SP-06-17 and Development Criteria for an existing approved Mixed Use Development (MXD-6) in accordance with Sections 127.E.3 and 5 of the Howard County Zoning Regulations and to implement the approved amended Preliminary Development Plan (PDP) per Zoning Board Case No. ZB-1042M. The proposal is to amend certain elements of the original CSP including: the following land use acreages, 12.413 acres of Residential land use, 10.473 acres of Employment land use, 14.38 acres of Open Space land use and 3.812 acres of Other land use (public road right-of-way); amend the dwelling unit total, unit types and the land use designations of particular areas to allow the addition of 127 age-restricted adult housing units; and to reflect a change in use from all office employment use to a combination of office and age-restricted adult housing in the Development Criteria as part of the overall 41.078 acre MXD-6 development project. The staff report will describe the specific changes for consideration by the Planning Board. Only the changes indicated are subject to review by this petition. All other aspects of the originally approved CSP and Development Criteria for PB Case No. 347 will remain in effect and are not subject to reconsideration by the Planning Board.



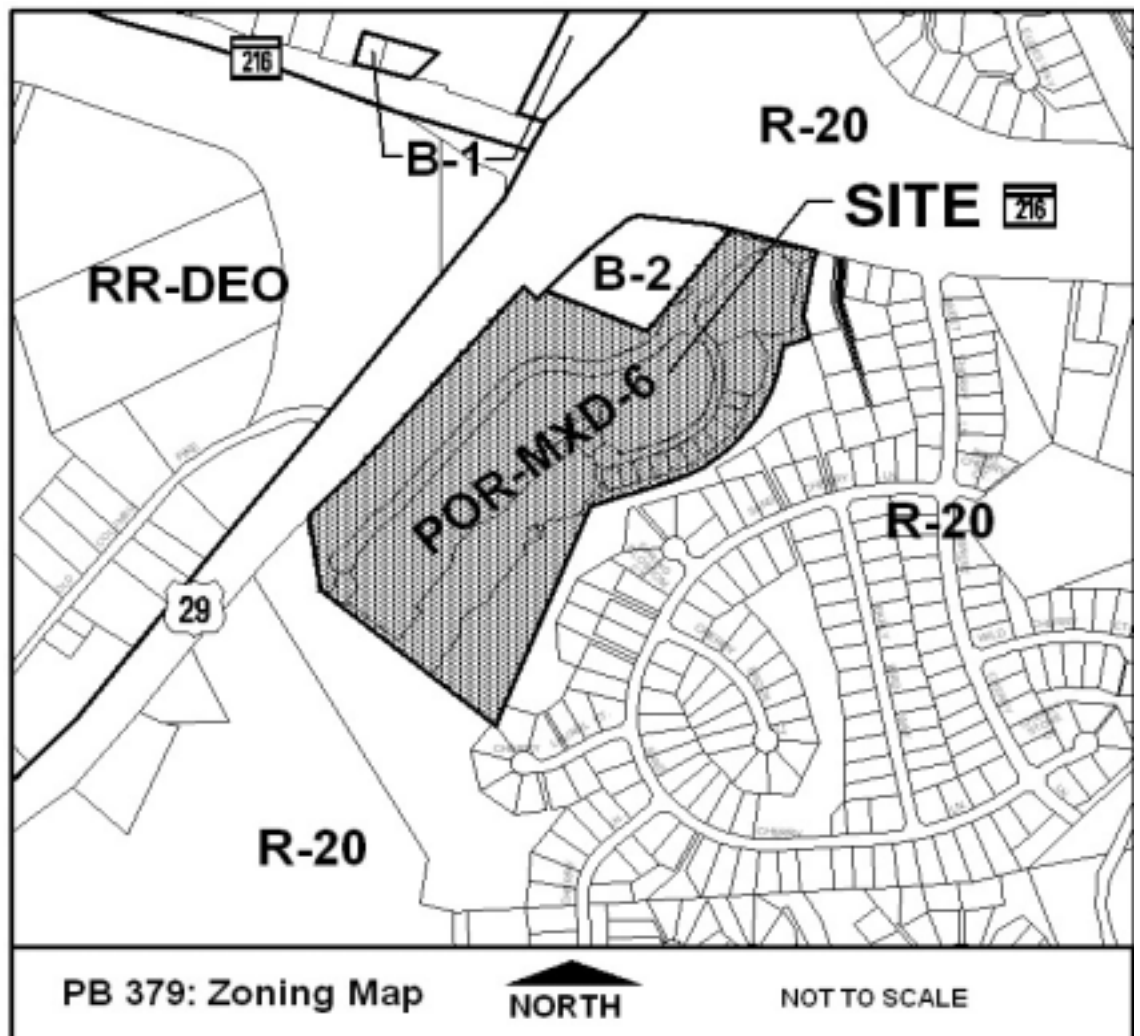
Location:

The subject property is located on the southeast corner of Maryland Route 216 at its intersection with U.S. Route 29. The site is approximately 41.078 acres and is zoned "POR-MXD-6" (Planned Office Research-Mixed Use Development). The property is identified as Parcel No. 156 located on State Tax Map No. 46, Grid No. 4 in the Sixth Election District of Howard County, Maryland.

Vicinal Properties: The subject property is bounded by the following vicinal properties:

North Side – Located on the north side is Parcel No. 240, Parcel A, zoned "B-2" (Business-General), and improved with a Blooms grocery store (formerly Food Lion). Also, on the north side is the Maryland Route 216 interchange with U.S. Route 29 and further north are the existing residential neighborhoods for Lyons Hill and Patuxent Springs, zoned "R-20" (Residential-Single), and improved with single family detached (SFD) dwellings.

East Side – Along the east side are Lots 1 thru 4 of the Gillen Property subdivision, zoned "R-20", and improved with SFD dwellings. Also, along the east side is the Cherrytree Farm subdivision, zoned "R-20" and improved with approximately 200 SFD dwellings. The portion of the adjoining Cherrytree Farm subdivision that abuts the subject property is Open Space Lot 225 which is owned by the Howard County Department of Recreation and Parks.



South Side - Located along the south side is adjoining Open Space Lot 125 of the Cherrytree Farm subdivision, containing approximately 14 partially wooded acres and owned by the Howard County Department of Recreation and Parks.

West Side - Located along the entire west side of the project is the U.S. Route 29 R/W.

I. General Comments:

- A. Legal Notices** - The subject property was properly posted with two (2) official Planning Board notices, one at the entrance along Ice Crystal Drive where the age-restricted adult housing units are proposed and one at the MXD project entrance at Ice Crystal Drive and Md. Route 216 as verified by DPZ staff. Certification that the legal advertisements appeared in the Baltimore Sun on February 2, 2007 and March 8, 2007 and in the Howard County Times on January 25, 2007 and March 8, 2007 were placed into the file for the record.
- B. Regulatory Compliance** - This project is subject to compliance with the amended Fifth Edition of the Howard County Subdivision and Land Development Regulations (October 2, 2003 Edition), the 2004 Howard County Zoning Regulations and the Comp Lite Zoning Regulation Amendments (effective July 28, 2006), the Howard County Design Manual, the Adequate Public Facilities Ordinance, and the Howard County Forest Conservation and Landscape Manuals.
- C. General Plan** - The subject property is designated as a Mixed Use Center on the Howard County General Plan 2000.
- D. Relevant Site History :**
- The 1993 Comprehensive Zoning Plan established the existing zoning for the property as "POR-MXD-6".
 - Zoning Board Petition, ZB Case No. 973M received approval by the Zoning Board on September 14, 1998 to establish the original PDP and Development Criteria for the 42.41 acre MXD District for the subject property.
 - The original Comprehensive Sketch Plan, SP-00-08 and Planning Board Case No. 347 for the subject property were approved by the Planning Board on November 29, 2000.
 - Since 2000, the Department of Planning and Zoning and the Planning Board have approved several subdivision and site development plans for the subject project.
 - The Howard County Planning Board held a public hearing for the amended PDP filed under ZB Case No. 1042M on June 23, 2005. The Planning Board signed the Decision and Order on July 11, 2005 for the case recommending approval for the Petitioner's request for Alternative No. 1 (request for 76 age-restricted adult housing units) and denial for Alternative No. 2 (request for up to 128 age-restricted adult housing units).
 - Zoning Board Case No. 1042M was approved by the Zoning Board on January 25, 2006 to amend the Preliminary Development Plan and Criteria for the existing approved Mixed Use Development to add 128 age-restricted adult housing units and for a reduction of the previously approved office space from 201,500 square feet to 30,000 square feet as set forth in the Petitioner's Alternative No. 2.
 - The subject amended Comprehensive Sketch Plan, SP-06-17 and Development Criteria was determined technically complete by the Subdivision Review Committee

(SRC) by letter dated November 16, 2006.

- Cherrytree Park is an existing mixed use development presently approved for a total of 170 dwelling units. There were 10 SFD dwelling units and 74 SFA dwelling units developed under Phase 1 per SDP-02-111, 32 SFA dwelling units developed under Phase 2 per SDP-03-52 and 54 SFA dwelling units being developed under Phase 3 per SDP-05-22. Additionally, a bank and a one-story retail/office building were constructed under SDP-04-02.

E. General Description of Proposed Plan Amendment:

1. The developer proposes an addition of 127 age-restricted adult housing units* on Parcel "I" of the subject property and a reduction of the previously approved square footage devoted to "Office Space" use from 201,500 to 30,000 in order to implement the approved amended Preliminary Development Plan (PDP) for the Petitioner's Alternative No. 2 per Zoning Board Case No. ZB-1042M. The developer proposes the construction of eight multi-story residential condominium buildings with seven buildings containing 16 units each and one building containing 15 units and a community center. One three-story office building is proposed on Parcel "J" to contain the 30,000 square feet of office space.

* In the "MXD-6" Zoning District, a density bonus of up to 1.25 units per acre is allowed for "Age Restricted Adult Housing Units" which meet all requirements of the "POR" Zoning District in accordance with Section 127.C.6.a of the Zoning Regulations (Council Bill No. 66-2005). The total number of units allowed for this project is 41.078 acres x 6 units per acre = 246 units + 51 bonus units (1.25 x 41.078) = a total of 297 dwelling units for the project (170 existing dwelling units + 127 Age Restricted Adult Housing Units).

2. The developer also proposes to amend certain elements of the original CSP including changes to items such as the land use acreages and percentages, the dwelling unit total and unit type distribution, employment floor area totals as referenced above and minor revisions in the Development Criteria to incorporate "Universal Design Standards" and bulk regulations (minimum building setbacks, maximum building height, etc.) for the age-restricted adult housing units.
3. The proposed amendment makes no change to the existing 10,602 square feet of "Retail" uses or the existing 10 SFD dwelling units and the 160 SFA dwelling units previously approved and constructed.
4. The following summary of changes to the existing text for the "Development Criteria" is proposed:
 - A provision was added to include "Age-Restricted Adult Housing Units" under "Permitted Uses" for "Other Residential" land use.
 - A provision was added to incorporate "Universal Design Standards" for the "Age Restricted Adult Housing Units".
 - The following bulk regulation criteria items were added for the "Age Restricted Adult Housing Units":

Maximum Building Height = 50 feet

Minimum Distance Between Buildings

Face to Face = 30 feet

Face/Rear to Side = 20 feet

Side to Side = 15 feet

Rear to Rear = 50 feet

Rear to Face = 75 feet

- A provision was added to include a minimum use setback (parking spaces, access drives, etc.) of 10 feet from external public road right-of-way lines, 10 feet from internal public road right-of-way lines and 10 feet from a project boundary line.

F. Site Analysis:

Environmental Considerations - All of the existing environmental features (intermittent stream and wetlands) and buffers are protected within recorded Open Space Lot 12 previously dedicated to the Howard County Department of Recreation and Parks. There are no historic structures or cemeteries located on the subject property.

Forest Conservation - The forest conservation obligation requirements for this project (10.18 acres) were previously addressed under final plan, F-01-114.

Noise Impact Analysis - A noise mitigation study was submitted and received approval with the processing of this amended CSP for the project requiring a noise wall of varying height along the Route 29 road frontage with a maximum height of 11.5 feet. Additionally, open air balconies will be permitted only along the east side of the buildings and enclosed balconies along the west side of the buildings to achieve the 65 decibel mitigated noise level.

Water and Sewer - This project will be served by public water and sewer service systems.

APFO Roads Test - This project passed the APFO Roads Test requirements by submitting an updated Adequate Public Road Facilities study with the processing of this amended CSP. The updated traffic impact analysis submitted for this project was determined acceptable by the County and the State Highway Administration.

G. Comparative Site Information Charts:

Summary of Land Uses			
Land Use Type	Zoning Regulation Minimum Areas	Original CSP, SP-00-08	Amended CSP, SP-06-17
Residential	20%	12.16 acres (28.7%)	12.413 acres (30.2%)
Public Roads	N/A	2.43 acres (5.7 %)	3.812 acres (9.3%)
Employment	15%	10.84 acres (25.6%)	10.473 acres (25.5%)
Open Space	35%	16.98 acres (40%)	14.380 acres (35%)
Totals		42.41 acres (100%) *	41.078 acres (100%)*

* - The change in total site area from the original PDP/CSP is due to final boundary survey.

Land Use Descriptions	SP-00-08, PB - 347	SP-06-17, PB - 379	Differences
Total Site Area * - The change in total site area is due to final boundary survey.	42.41 acres *	41.078 acres *	- 1.332 acres
Land Use Areas: a. Residential b. Public Roads c. Employment d. Open Space	12.16 acres 2.43 acres 10.84 acres 16.98 acres	12.413 acres 3.812 acres 10.473 acres 14.380 acres	+ 0.253 acres + 1.382 acres - 0.367 acres - 2.6 acres
Residential Density: Total No. Units Allowed Total No. Units Proposed Residential Unit Types: Single Family Detached Single Family Attached Age Restricted Adult MIHU Units (10 % required)	254 units 170 units 10 units 160 units N/A 17 units	246 units + 51 bonus units (297 total) 297 units 10 units 160 units 127 units 30 units (17 existing + 13 new units)	+43 units +127 units No Change No Change + 127 units + 13 units
Employment Density: Max. Employment Sq. Ft. Allowed Employment Sq. Ft. Proposed * Max. Area is calculated as 0.50 FAR (Floor Area Ratio) of employment acreage. Max. Retail Sq. Ft. Allowed ** Max. Area is calculated as 250 sq. ft. of gross MXD area.	236,095 sq. ft. * 218,652 sq. ft. 10,602 sq. ft. **	228,102 sq. ft. * 48,634 sq. ft. 10,602 sq. ft.	- 7,993 sq. ft. -170,018 sq. ft. No Change
Open Space Analysis: Minimum Area Required (35% of total site area) Total Area Proposed	14.84 acres 16.98 acres (40%)	14.38 acres 14.38 acres (35%)	- 0.46 acres - 2.6 acres

II. Planning Board Criteria:

In accordance with Section 127.E.4 of the Howard County Zoning Regulations, the following criteria must be considered by the Planning Board when evaluating this amended Comprehensive

Sketch Plan and Development Criteria.

- a. **The Comprehensive Sketch Plan and Development Criteria are consistent with the approved Preliminary Development Plan and Preliminary Development Criteria.**

The amended CSP and its Development Criteria are consistent with the amended PDP and Development Criteria approved by the Zoning Board on January 25, 2006. The general location for each of the primary land use areas and buildings are in the same locations as shown on the approved PDP. The total number of dwelling units at 297 located on 41.078 gross acres for this project is consistent to the approved amended PDP. The allowed residential densities, employment square footages, retail space, bulk regulations (minimum lot sizes, setbacks and height requirements) and the permitted uses are all consistent with the approved amended PDP map and Development Criteria documents signed by the Zoning Board on July 31, 2006.

- b. **The proportions of land use and the density and intensity of development are consistent with the requirements of Section 127.C (Minimum requirements for Mixed Use Development).**

This amended CSP is consistent with the land use, density and intensity requirements of Section 127.C of the Howard County Zoning Regulations as indicated in the charts below. The land use acreages and percentages for the "Residential", "Employment", "Other" (Public Roads) and "Open Space" land uses shown on the amended CSP are consistent with the approved amended PDP.

Proportions of Land Uses			
Land Use Type	Zoning Regulation Minimum Areas	Approved Amended PDP (ZB-1042M)	Amended CSP, SP-06-17
Residential	20%	12.413 acres (30.2%)	12.413 ac. (30.2%)
Other (Public Roads)	N/A	3.812 acres (9.3%)	3.812 ac. (9.3%)
Employment	15%	10.473 acres (25.5%)	10.473 ac. (25.5%)
Open Space	35%	14.380 acres (35%)	14.380 ac. (35%)
Totals		41.078 acres (100%)	41.078 ac. (100%)

Residential Density:(calculated based on total gross area of MXD-6 site of 41.078 acres)

	<u>Zoning Regulations</u>	<u>Approved Amended PDP</u>	<u>Proposed Amended CSP</u>
Residential	7.25 units/acre *	7.25 units/acre *	7.25 units/acre *

- * In the "MXD-6" Zoning District, a density bonus of up to 1.25 units per acre is allowed for "Age Restricted Adult Housing Units" which meet all requirements of the "POR" Zoning District in accordance with Section 127.C.6.a of the Zoning Regulations (Council Bill No. 66-2005). The total number of units allowed for this project is 41.078 acres x 6 units per acre = 246 units + 51 bonus units (1.25 x 41.078) = a total of 297 dwelling units for the project (170 existing dwelling units

+ 127 Age Restricted Adult Housing Units).

Residential Unit Types:

	<u>Zoning Regulations</u>	<u>Approved PDP</u>	<u>Amended CSP</u>
SFD	No Min./Max.	10 units (3.3 %)	10 units (3.4 %)
SFA	No Min./Max.	160 units (53.7 %)	160 units (53.8 %)
Age-Restricted Adult Housing	No Min./Max.	128 units (43 %)	127 units (42.8 %)

Moderate Income Housing Units (MIHU):

	<u>Zoning Regulations</u>	<u>Approved PDP</u>	<u>Proposed Amended CSP</u>
For density more than 2.7 units/acre	10 %	30 MIHU's*	30 MIHU's*

* - 297 units x 10% = 30 units (17 existing MIHU units + 13 new MIHU units)

Employment Areas:

<u>Zoning Regulations</u>	<u>Approved PDP</u>	<u>Proposed Amended CSP</u>
0.50 FAR max. allowed * (228,102 sq. ft. max. based on 10.473 acres employment use)	0.11 (48,634 sq. ft.)**	0.11 (48,634 sq. ft.)**

* - The MXD zoning district regulations, the PDP and Development Criteria establish a cap on the total square footage of floor area which may be devoted to employment uses in the MXD development.

** - 1 Existing Retail/Office Building at 15,634 sq. ft. and 1 Exist. Bank at 3,000 sq. ft. + 1 New Office Building at 30,000 sq. ft. = 48,634 sq. ft.

Maximum Retail Floor Area:

(based on gross MXD site area of original PDP of 42.41 gross acres)

<u>Zoning Regulations</u>	<u>Approved PDP</u>	<u>Proposed Amended CSP</u>
250 sq. ft./gross MXD site area (10,602 sq. ft. allowed based on 42.41 acres)	10,602 sq. ft.	10,602 sq. ft. (No Change)

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- c. **The phasing of development is consistent with the phasing schedule indicated in the Preliminary Development Plan and the schedule for the opening of General Plan road improvements needed to serve the development. General Plan road improvements needed for the development must be:**

- (1). Existing;
- (2). **Funded for construction in the current adopted County Capital Improvement Master Plan (CIMP) or Maryland Consolidated Transportation Program (CTP) prior to the acceptance for processing by the Department of Planning and Zoning of the Preliminary Plan of subdivision for that stage, or portion thereof, for which such roads are needed; or**
- (3). **Funded by the Petitioner.**

The phasing of development for this amended CSP is consistent with the phasing schedule indicated on the approved PDP and the Decision and Order for ZB-1042M. The details of the phasing plan for the amended CSP are included in the "Annual Phasing Chart" which appears on sheet 1 of the amended CSP, SP-06-17, as follows: Phase 1 – 63 age-restricted adult housing units and 30,000 sq. ft. of office space for the year 2009 and Phase 2 – 64 age-restricted adult housing units for the year 2010. Unlike the original CSP, which was evaluated and approved based on proposed rather than existing road improvements, the proposed amended CSP is being evaluated at a time when the planned external major road improvements have been completed. The following major road improvements have been functioning for some time, the U.S. Route 29 interchange located at Maryland Route 216, the new traffic circle located at the Maryland Route 216 intersection with Ice Crystal Drive and the new Maryland Route 216 road section located between I-95 and U.S. Route 29. All General Plan road improvements needed for the ultimate development of this project have been completed.

- d. **The roads serving the Mixed Use Development will be adequate, as determined by the capacity and mitigation standards of the Adequate Public Facilities Ordinance (Title 16, Subtitle 11 of the Howard County Code).**

Based on the amended "Traffic Impact Analysis" submitted with the amended PDP dated November 22, 2005, it has been determined by the Department of Planning and Zoning that capacity and mitigation standards of the Adequate Public Facilities Ordinance have been met and that roads serving this Mixed Use Development will be adequate.

- e. **The pedestrian circulation system will provide convenient pedestrian access between employment, residential, commercial, public and open space land uses.**

The pedestrian circulation system included in this amended CSP consists of an existing 4' wide asphalt pathway system located within the open space areas and sidewalks located along all public and private roads throughout the entire development which will provide the interconnections between the various employment, residential and commercial land uses, the focal points, community parks and open space areas. The existing pathway and sidewalk system was constructed under previously approved plans, F-01-114, SDP-02-111, SDP-03-52, SDP-04-02 and SDP-05-22.

f. **The Open Space Areas:**

- (1) Create a cohesive network and connect, whenever possible, to existing and planned open spaces adjoining the development;**

The open space system within this amended CSP creates a cohesive internal open space network, which will link the various land uses and community amenities within the project and will connect to the existing open space adjoining the subject development. A 5 acre open space lot (Open Space Lot 12) has already been dedicated to the Howard County Department of Recreation and Parks under the previous CSP. The remaining 9.4 acres of community owned open space is located within the existing 5.5 acre HOA Open Space Lot 13 and dispersed throughout the entire community.

- (2) Protect and, where possible, enhance natural or manmade features such as historic and cultural resources, stream valleys, ponds, wetlands, forest, steep slopes and storm water management facilities;**

As shown on the amended CSP, the intermittent stream system and its associated wetlands including required buffers, and forested areas are all included within the limits of the open space land use areas dedicated to the Howard County Department of Recreation and Parks. As such, these natural features will be permanently protected and preserved within Open Space Lot 12. A majority of existing Open Space Lot 12 is encumbered with a recorded forest conservation easement.

- (3) Provide active and passive recreation areas for residents of the Mixed Use Development;**

Community open space areas will be provided throughout the development suitable for both active and passive recreational areas. A series of small community oriented green open space areas have been provided in close proximity for the residents in each of the neighborhoods. A centrally located park will be provided as the community's main focal point.

- (4) Provide useable open space for employment areas;**

Useable open space will be provided within the remaining employment area as the project develops the age-restricted adult housing units. Because of the small size of this MXD development and the close proximity between the residential and employment use areas, employees and residents do have convenient access to the community open space areas including the central plaza park.

- (5) Are located so as to be accessible to both the residential and nonresidential components of the development;**

The open space areas within this project are either immediately adjacent to, or within a close proximity of, both the residential and nonresidential land use areas. All open space areas within this development will be totally accessible by pathways and sidewalks to establish a unified pedestrian oriented community.

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- (6) At least 10 percent of the gross open space must be useable for active recreation facilities including but not limited to ballfields, indoor sport facilities, play meadows, tot lots, and pedestrian/biking pathway system as determined by DPZ.**

At least 10 % of the gross open space area for this development will be useable for active and passive recreational facilities with a pedestrian jogging and bicycle pathway system located adjacent to the existing natural wooded and environmental areas and a community plaza with gazebos and bench seats.

- g. Effective use is made of the methods, described in Section 127.D.7.I to ensure compatibility with adjoining land uses outside the development.**

The parcels which will contain the proposed age-restricted adult housing units and the office building (Parcels "I" and "J") adjoin the existing Bloom grocery store and the U.S. Route 29 right-of-way. All other external project boundaries remain unchanged from the original CSP approved under PB-347 and SP-00-08 and are not subject to reconsideration under this case. The Zoning Board determined in their Decision and Order for ZB Case No. 1042M that the intensity and scale of the land use proposed on the amended PDP was an appropriate relationship with the character of the existing and planned development in the vicinity of the site. The Zoning Board decided that the age-restricted adult housing use proposed on the amended PDP would be compatible with the vicinal residential uses. The application of structure and use setback requirements accompanied by perimeter landscape standards along the project boundary will be enforced during review of the site development plans approved by DPZ and the Planning Board.

- h. The Development Criteria will result in appropriate relationships between land uses within the development.**

The various land uses within this project are either separated by community open space areas or by private or public roads. The amended CSP and Development Criteria, which include the general land use patterns, densities and proportions approved by the Zoning Board on the PDP, the bulk regulations (setbacks, heights, etc.), and landscape requirements address the land use relationships. The process of reviews and approvals of subdivision and site development plans by the Subdivision Review Committee and the Planning Board will assure appropriate relationships among land uses.

- i. Appropriate sites are provided for public facilities.**

The Zoning Board, in its Decision and Order approving the amended PDP found that the 5 acre open space lot previously dedicated to the Howard County Department of Recreation and Parks provided for the appropriate public facilities to satisfy this criteria item.

SRC Action:

The Subdivision Review Committee (SRC), by letter dated November 16, 2006 determined this amended Comprehensive Sketch Plan, SP-06-17 to be technically complete.

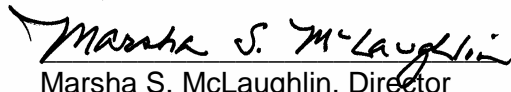
Please note that this file is available for public review at the Department of Planning and Zoning's public service counter, Monday through Friday, 8:00 a.m. to 5:00 p.m.

Recommendation:

Based upon all of the above findings, the Department of Planning and Zoning recommends approval of this amended Comprehensive Sketch Plan, SP-06-17, subject to compliance with the SRC agency comments.

02/15/07

Date



Marsha S. McLaughlin, Director
Department of Planning and Zoning